IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2794 OF 2004

Shri Tulaja Bhavani Shikshan
Mandal & Anr. .. ..Petitioners

Versus

Shri Deshpande Subhash Vishnupanth
& Ors. .. ..Respondents

Mr.M.V.Limaye for petitioners
Mr.Pratap Patil for respnodent no.1
Mr.M.H.Solkar,AGP for State

CORAM : P.V.KAKADE, J.
DATE : 7TH APRIL, 2006

P.C.:

1. Heard both sides. Perused the record.

2. The Petitioners have filed this petition against the order passed by Presiding Officer, School Tribunal, Kolhapur dated 6.10.2003 allowing the delay condonation application and allowing the appeal of the respondent to

be proceeded according to law.

3. After hearing both the parties and without going into the merits of the dispute, the only ground which sought to be adjudicated is the propriety of allowing the application of condonation of delay, which is at Exh.4 and came to be passed by order dated 10.3.2003.

. It appears from the record that initially the respondent filed Civil Suit in the Civil Court, Islampur and thereafter it was withdrawn which according to the learned Member of the Tribunal was sufficient ground to condone the delay. It was also held that the respondent had filed the civil suit under bonafide relief that he would get effective and legal relief by filing the suit and when he realised that it was not proper forum he withdraw the suit and filed the appeal involving this delay of about 11 months.

4. Having perused the order passed by the Tribunal I do not see any reason to interfere with the said order, especially when the question regarding maintainability of the appeal has sought to be agitated before me would always be open for the parties before the Tribunal on

merits. In the result, I do not see any merits in the petition and petition stands dismissed without any order of costs.

5. All the issues and contentions between the parties are left open.

6. The appeal to be expedited so as to adjudicate within a period of six months from the date of this order.